

REMARKS

Amendment to the specification and claims 1, 6 and 9 follow these remarks. Amendment to the specification as required by the Examiner is found on page 6 of this amendment, paragraph 3, line 3.

In response to the Office Action of December 28, 2006, claims 1, 6, and 9 have been amended to more particularly point out and describe the present invention. These amendments are supported by the specification and drawings and do not constitute new matter.

The Examiner's Section 102 Rejections

In response to the Examiner's rejection of claims 1-2, 5-6, 9, 13, 15, 20 and 21 as anticipated by Baier, the Applicant offers the following remarks. Baier teaches a venting means that is fluidly connected to outside air only indirectly. Specifically, in one embodiment, Baier connects to outside air through "the metal cladding and glazing retainer" (col. 2, lines 39-41 and Fig. 2) and in the second embodiment "the outer end of breather sleeve 68 opens into space between the window wall frame 78 and the stile 50. This space is in turn in communication with the outside ambient air" (col. 3, lines 9-13). In addition, Baier teaches away from boring several intersecting holes to form passageways to avoid alignment problems. Finally, the Baier apparatus teaches and shows turning the air through a single 90 degree turn between its entry and its exit. This is possible only because the apparatus obtains 'outside' air without having an opening to the

outside but, rather, depends on an air supply provided through some other opening.

The present invention specifically directs outside air through a first opening positioned on the outside of the framing element (Fig. 4, item 50). Once in the framing element, the air moves inward (direction 1 or x) until it hits the inner surface of the framing element and then turns upward (direction 2 or y) in the space of the hollow portion of the framing element (Fig. 4, item 54) to another opening (Fig. 4, item 58). When the air moves through opening 58, the air is then turned toward the airspace (Fig. 4, item 4) (direction 3 or z) moving through space 56 to get there. The same is true, in reverse order, for air exiting through an exit vent. In a second embodiment, yet another opening is employed for each vent in order to allow air to pass through a thermal break.

Unlike Baier, the present invention requires the vent to open to the air directly in order for the mathematical relationships disclosed to provide the requisite flow to protect the special elements of a stained glass window. Further, because of this requirement, the path of the air must be turned twice to move it to the airspace 4 between the ornamental and protective windows and to prevent rain water from entering the frame rather than turning the air only once as shown by Baier. Finally, and again contrary to the teaching of Baier, for the present invention at least one interior opening and the exterior opening for each vent must be sized and aligned appropriately in order to accomplish the airflow necessary to preserve the ornamental window. These aspects have been more particularly pointed out by amendments to claims 1, 6 and 9. For these reasons

and in combination with the clarifying amendments made to claims 1, 6 and 9, it is respectfully suggested that Baier does not anticipate and, instead, teaches away from the present invention.

The Examiner's Section 103 Rejection

With regard to the Examiner's findings that the relative sizes of openings and pathways would be within the ordinary skill of the art and design choices, the Applicant respectfully disagrees. The objective here is to create an atmosphere between the protective panel and the ornamental window that minimizes damage to ornamental windows. It is directed to assist in the protection of windows of the aged and stained glass variety which include specific structural elements that must be protected adequately in order for the addition of a protective panel to be effective. In addition to the prescribed ratios of openings and pathway cross-sections, the present invention specifically directs that the vent entry be to the outside of the frame rather than within some portion of the frame that is, in turn, connected to ambient air flow. These features, combined, create the necessary atmospheric conditions. Other venting means have been ineffective over longer periods of time due to incorrect ratios of cross sections and openings and quasi-internal placement of vent openings all of which hinder airflow. This creates a situation where it is uncertain whether airflow will be adequate to the task. Further, the addition of debris deterring features such as screens changes the ratio of openings and cross sections required to obtain the necessary conditions. The determination of these ratios required diligent computation and experimentation for which data can be produced should the Examiner request it.

In Conclusion

Claims 1, 6 and 9 have been amended to better describe the aspects of the invention as described above. It is believed these amendments place all of the claims in condition for allowance.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account Number 50-3021 belonging to BrownWinick Law firm.

Respectfully submitted,

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